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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217521
Party	Defendant Speakeasy Communications Consulting LLC
Correspondence Address	JOSEPH A. BELLANCA HERTZ SCHRAM PC 1760 S TELEGRAPH RD STE 300 BLOOMFIELD HILLS, MI 48302-0183 jbellanca@hertzschr.com
Submission	Answer
Filer's Name	Joseph A. Bellanca
Filer's e-mail	jbellanca@hertzschr.com
Signature	/joseph a. bellanca/
Date	08/31/2014
Attachments	Answer to Notice of Opposition (H0160576@xA16D5).PDF(179123 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Washington Storytellers Theatre)	
dba Speakeasy DC,)	
Opposer)	
)	
v.)	Opposition No. 91217521
)	Application No. 86/090,121
)	Mark:
Speakeasy Communications)	SPEAKEASY COMMUNICATIONS
Consulting, LLC,)	
Applicant.)	CONSULTING
)	
	/	

ANSWER TO NOTICE OF OPPOSITION

Applicant, by and through its attorneys identified below, for its Answer to the Notice of Opposition, states as follows:

With respect to the first unnumbered paragraph of the Notice of Opposition, Applicant denies that Opposer will be damaged by registration of SPEAKEASY COMMUNICATIONS CONSULTING, the mark of Application No 86/090,121, filed by Applicant. Applicant further denies that its SPEAKEASY COMMUNICATIONS CONSULTING mark is likely to cause confusion, or to cause mistake or deceive; alternatively, if the mark is likely to cause confusion, or to cause mistake or deceive, Applicant has superior rights by virtue of its priority of use and sole and exclusive ownership of U.S. Registration No. 1,167,718 for the mark SPEAKEASY, in classes 41 and 42 (the "SPEAKEASY Mark"), along with U.S. Registration No. 3,089,539 for SPEAKEASY CONNECT in class 41 and multiple other registrations (the "Prior

Registrations”), of which Opposer is and has been made aware on multiple occasions. Applicant denies the remaining allegations contained in the first unnumbered paragraph as untrue.

1. With respect to the allegations contained in numbered paragraph 1, Applicant admits that Opposer currently owns the pending application at U.S. Serial No. 86/096,208 and denies the remaining allegations contained therein as untrue. In further answering, Applicant states that Applicant, not Opposer, is the sole owner of the SPEAKEASY Mark, the date of first use and registration date for which significantly predate any alleged use by Opposer, further emphasizing Applicant’s superior rights.

2. Applicant admits the allegations contained in numbered paragraph 2.

3. Applicant denies that registration and use of the mark SPEAKEASY COMMUNICATIONS CONSULTING would dilute the alleged distinctiveness of Opposer’s marks. The remaining allegations contained in numbered paragraph 3 are denied as untrue. In further answering, Applicant states that Applicant has superior rights by virtue of its priority of use and registration of its SPEAKEASY Mark.

4. Applicant admits the allegations contained in numbered paragraph 4.

5. Applicant denies that registration and use of the SPEAKEASY COMMUNICATIONS CONSULTING mark will harm and/or damage Opposer in any way. Applicant further denies that Applicant’s use and registration of the mark SPEAKEASY COMMUNICATIONS CONSULTING is likely to cause confusion, mistake, and/or deception as to the source, affiliation and/or sponsorship between Opposer and Opposer’s services and Applicant and Applicant’s services, respectively. In further answering Applicant states that if there is a likelihood of confusion, mistake

and/or deception as to the source, affiliation and/or sponsorship, Applicant has superior rights by virtue of its priority of use and registration of its SPEAKEASY Mark.

6. Applicant denies that Opposer will incur harm or damage as the result of Applicant's use and registration of the SPEAKEASY COMMUNICATIONS CONSULTING mark. Applicant admits that the applied-for mark and Opposer's alleged marks contain the identical primary component, "speakeasy." In further answering, Applicant states that Applicant is the sole and exclusive owner of the mark, SPEAKEASY, in class 41, the exact term, and for the same and/or similar services, that Opposer cites as the primary component in the marks. Applicant has superior rights by virtue of its priority of use and registration of its SPEAKEASY Mark.

7. Applicant admits the allegations contained in numbered paragraph 7.

8. Applicant admits the allegations contained in numbered paragraph 8.

9. With respect to the allegations contained in numbered paragraph 9, Applicant has insufficient knowledge to be able to admit or deny such allegations, and therefore denies the same.

10. With respect to the allegations contained in numbered paragraph 10, Applicant has insufficient knowledge to be able to admit or deny such allegations, and therefore denies the same.

11. Applicant denies the allegations contained in numbered paragraph 11 as untrue.

12. Applicant denies the allegations contained in numbered paragraph 12 as untrue.

13. Applicant denies that confusion, mistake and/or deception are likely to result from Applicant's use of the mark. In further answering, Applicant states that it has superior

rights by virtue of its priority of use and registration of the Speakeasy Mark and Prior Registrations.

14. With respect to the allegations contained in numbered paragraph 14, Applicant has insufficient knowledge to be able to admit or deny such allegations, and therefore denies the same.

15. Applicant admits the allegations contained in numbered paragraph 15. In further answering, Applicant states that Opposer's consent is not required in order for Applicant to use and/or register the mark. Applicant has superior rights in the mark by virtue of its priority of use and registration of the Speakeasy Mark and Prior Registrations.

16. Applicant admits the allegations contained in numbered paragraph 16.

17. Applicant admits the allegations contained in numbered paragraph 17

AFFIRMATIVE DEFENSES

1. The Notice of Opposition is barred by waiver.
2. The Notice of Opposition is barred by estoppel.
3. The Notice of Opposition is barred by the doctrine of laches.
4. The Notice of Opposition is barred by the doctrine of unclean hands.

Applicant is informed and believes, and thereon alleges that the facts set forth in the Notice of Opposition are insufficient to show damage necessary to oppose the subject matter application and therefore, Opposer lacks standing to assert the claims for opposition.

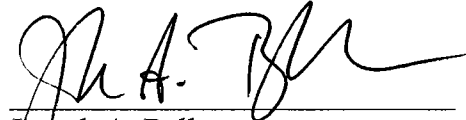
5. The Notice of Opposition fails to state a claim upon which relief may be granted because Opposer has admitted likelihood of confusion and Applicant has priority.

6. Applicant reserves the right to assert other affirmative defenses as this action proceeds and which may be revealed through discovery.

Accordingly, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

HERTZ SCHRAM PC



Joseph A. Bellanca

Howard Hertz

Steve J. Weiss

Attorneys for Applicant

1760 S. Telegraph Road, Suite 300

Bloomfield Hills, MI 48302-0183

(248) 335-5000

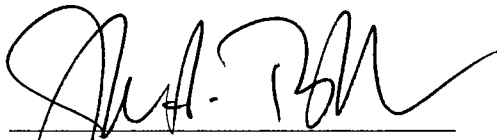
Dated: August 30, 2014

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Answer to the Notice of Opposition upon Opposer by causing a true and correct copy thereof to be sent by first class mail, postage prepaid to:

Matthew Laskoski
Squire Patton Boggs (US) LLP
1550 M Street NW
Washington, DC 20037

Date: August 30, 2014



Joseph A. Bellanca